

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Elwin Green, Jr.,

Case No. 3:17 CV 1576

Plaintiff,

ORDER ADOPTING  
REPORT & RECOMMENDATION

-vs-

JUDGE JACK ZOUHARY

Commissioner of Social Security,

Defendant.

Plaintiff Elwin Green filed this Complaint seeking judicial review of the denial of his application for supplemental security income (Doc. 1). This case was referred to Magistrate Judge William Baughman for a Report and Recommendation (R&R) under Local Rule 72.2. Following briefing (Docs. 12–13, 20) and oral argument (Doc. 18), the Magistrate Judge recommends this Court reverse and remand for further administrative proceedings (Doc. 21). The Commissioner does not object to the R&R (Doc. 23).

Under 28 U.S.C. § 636(b)(1), this Court reviews *de novo* those portions of the R&R to which objections are made. Failure to file objections within the timeframe set forth in the statute constitutes a waiver of *de novo* review. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005). This Court has reviewed the R&R and finds it accurately states the facts and law. This Court therefore adopts the R&R in its entirety.

Accordingly, the final decision of the Commissioner is vacated, and the case is remanded under sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the R&R.

IT IS SO ORDERED.

s/ Jack Zouhary  
JACK ZOUHARY  
U. S. DISTRICT JUDGE

July 16, 2018